

# **EXHIBIT B**

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

Irving H. Picard, Esq.  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Provide your office and home telephone no.

Office: (212) 696-1999

Home: (914) 682-3770

Taxpayer I.D. Number (Social Security No.)

087-22-2266

Account Number: 1ZA052

MARILYN DAVIS & JACOB DAVIS  
TTEES UTA BY MARILYN DAVIS  
DTD 6/27/94  
400 HIGH POINT DRIVE #4-403  
HARTSDALE, NY 10530

(If incorrect, please change)

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

\*\*\*\*\*

1. Claim for money balances as of December 11, 2008:
  - a. The Broker owes me a Credit (Cr.) Balance of \$ 0
  - b. I owe the Broker a Debit (Dr.) Balance of \$ 0

c. If you wish to repay the Debit Balance, please insert the amount you wish to repay and attach a check payable to "Irving H. Picard, Esq., Trustee for Bernard L. Madoff Investment Securities LLC." If you wish to make a payment, it must be enclosed with this claim form.

\$ 0  
0

d. If balance is zero, insert "None."

2. Claim for securities as of December 11, 2008:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	<u>YES</u>	<u>NO</u>
a. The Broker owes me securities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. I owe the Broker securities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
_____	SEE STATEMENT ATTACHED	_____	_____
_____	At Exhibit B	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

**information regarding any withdrawals you have ever made or payments received from the Debtor.**

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? If so, give name of that broker. ✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: Brian J. Neville, Esq., Law & Neville, LLP  
1412 Broadway, Suite 1407, New York, NY 10018

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 6/5/09

Signature Marilyn Davis

Date 6/5/09

Signature Carol Davis

*TRUSTEE*

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

**LAX  
NEVILLE**

**BARRY R. LAX**  
**BRIAN J. NEVILLE**

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**BRIAN MADDOX**  
**SANDRA P. ESPINOSA**  
**RAQUEL TERRIGNO**

**LAX & NEVILLE, LLP**  
**ATTORNEYS AT LAW**

1412 Broadway, Suite 1407  
New York, NY 10018  
Tel (212) 696-1999  
Fax (212) 566-4531  
[www.laxnevile.com](http://www.laxnevile.com)

**OF COUNSEL:**  
**DAVID S. RICH**

June 16, 2009

**VIA CERTIFIED MAIL**  
**RETURNED RECEIPT REQUESTED**

Irving H. Picard  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Avenue, Suite 800  
Dallas, TX 75201

RE: Marilyn Davis & Jacob Davis Trustee U/T/A by Marilyn Davis 6/27/94/Bernard L. Madoff Investment Securities LLC

Dear Mr. Picard:

This firm represents the Marilyn Davis & Jacob Davis Trustee U/T/A by Marilyn Davis 6/27/94 ("Marilyn Davis Trust") and has assisted it in the preparation of its Bernard L. Madoff Investment Securities LLC ("Madoff Securities" or "Madoff") SIPC Customer Claim Form. Enclosed herein you will find a completed Customer Claim Form for the Marilyn Davis Trust account. Additionally, below is a description of the relationship between the Marilyn Davis Trust and Madoff Securities. The statements made in this letter are true and accurate to the best of our knowledge and belief, and are being provided to support the Marilyn Davis Trust SIPC claims.

Marilyn Davis is 78 years old and is married to Jacob Davis who is 84 years old. Jacob and Marilyn Davis have been married for 56 years. In 1994, Marilyn Davis, as trustee of the

**LAX NEVILLE**

Irving H. Picard  
June 16, 2009  
Page 2 of 3

Marilyn Revocable Trust, opened an account with Madoff Securities.<sup>1</sup> Attached hereto as Exhibit A are pages 1 and 25 of the Marilyn Davis Revocable Trust Agreement. Marilyn Davis and her husband, Jacob, contributed funds to the Madoff Securities account from savings. Marilyn and Jacob Davis withdrew funds from the account with Madoff Securities for living and medical expenses and tax payments. Marilyn Davis's current source of income is social security benefits and loans from family members. The balance in the Marilyn Davis Trust account as of November 30, 2008 is \$1,532,504.28. The Marilyn Davis Trust November 30, 2008 account statement is attached as Exhibit B.

Marilyn Davis, as trustee, received account statements from Madoff indicating the purchases and sales of securities during that month, and listing each of the open securities positions held in the account. She believed the securities listed on these statements were real, widely held securities and their prices could be readily verified against objective and publicly available market information. Based upon the account statements and the confirmations, Marilyn Davis at all times expected to have those securities in the trust account. Marilyn Davis always believed SIPC coverage would cover the securities listed as being in her trust account should Madoff Securities ever fail. The balance in the Marilyn Davis Trust account as of the filing date is \$1,532,504.28.

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<sup>1</sup> Jacob Davis is simultaneously submitting a SIPC Claim Form for his accounts with Madoff Securities: Jacob Davis & Marilyn Davis Trustee U/T/A by Jacob Davis 6/27/94 – Account No. 1-D0051; and Jacob Davis – Account No. 1-ZR008.

~~LAX~~ NEVILLE

Irving H. Picard  
June 16, 2009  
Page 3 of 3

## **CONCLUSION**

The Marilyn Davis Trust is seeking the full protection of SIPA for its account as follows:

- Account No: 1ZA052

Marilyn Davis & Jacob Davis Trustee U/T/A by  
Marilyn Davis 6/27/94

**Total = \$1,532,504.28**

If there are any questions regarding this matter or if you require additional documents and information, please do not hesitate to contact me. Thank you.

Very truly yours,  
Lax & Neville, LLP

By:

Brian Neville / spe  
Brian J. Neville

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# **EXHIBIT A**

**AMENDMENT  
TO  
TRUST AGREEMENT  
ESTABLISHING  
THE MARILYN DAVIS REVOCABLE TRUST  
MARILYN DAVIS, GRANTOR  
MARILYN DAVIS and JACOB DAVIS, TRUSTEES  
January 7, 2005**

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**Krass, Snow & Schmutter, P.C.  
419 Park Avenue South  
New York, New York 10016**

THIS AMENDED TRUST AGREEMENT made this 7th day of January, 2005, by and between MARILYN DAVIS (hereinafter referred to as the "Grantor") and MARILYN DAVIS and JACOB DAVIS (hereinafter referred to as the "Trustee" or "Trustees");

W I T N E S S E T H:

WHEREAS, on June 27, 1994, the Grantor created "The Marilyn Davis Revocable Trust", amended said Trust on December 10, 1999 and now desires to completely amend, restate and reestablish said Trust;

NOW, THEREFORE, in consideration of the premises, it is hereby agreed that the trust estate shall be held by the Trustees, IN TRUST, for the uses and purposes and on the terms and conditions herein set forth:

ARTICLE I

Construction Provisions

(A) The following terms and terms of similar import shall have the meanings specified below unless the context otherwise requires:

(1) "Grantor's husband" or "her husband" shall mean JACOB DAVIS.

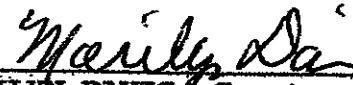
(2) "Grantor's daughter" or "Grantor's daughters" shall mean MINDY GOLDSTEIN and STACEY DAVIS.

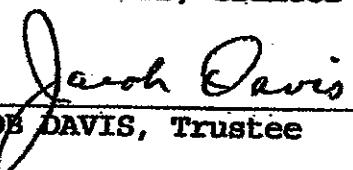
(3) "Code" shall mean the Internal Revenue Code of 1986, as amended, or such other statutory provisions as shall correspond thereto.

(4) "Minor" shall mean a person who shall not have attained the age of twenty-one (21) years.

(5) "Disinterested Trustees" shall mean all Trustees acting under a trust during the Grantor's lifetime; and, after the Grantor's death, such term shall mean the Trustee or Trustees

of this Agreement, have hereunto set their hands and affixed their seals, all on the day and year first above written.

  
MARILYN DAVIS, Grantor and Trustee

  
JACOB DAVIS, Trustee

STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

On January 7, 2005, before me, the undersigned, personally appeared MARILYN DAVIS and JACOB DAVIS, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals executed the instrument.

  
Notary Public

STEPHEN J. KRASS  
Notary Public, State of New York  
No. 2194685  
Qualified in New York County  
Commission Expires May 31, 2007

# **EXHIBIT B**

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

MARILYN DAVIS & JACOB DAVIS  
TRUSTEES UTA BY MARILYN DAVIS  
DID 6/27/94  
4400 HIGH POINT DRIVE #4-40  
HARTSDALE NY 10530

DATE	BOUGHT RECEIVED OR LOANED	SELL SOLD DELIVERED OR SHORT	TIME	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT
11/12	2,344			BALANCE FORWARD		37,965.57
11/12	960			738 NELLIS FARGO & CO NEW	29.880	40,104.28
11/12	832			1240 HEWLETT PACKARD CO	34.980	33,342.80
11/12	544			5064 WAL-MART STORES INC	55.830	46,483.56
11/12	2,016			5566 INTERNATIONAL BUSINESS MACHS	87.270	42,495.88
11/12	2,208			9390 EXXON MOBIL CORP	7.880	147,386.98
11/12	1,056			9892 INTEL CORP	14.520	32,126.68
11/12	1,440			14218 JOHNSON & JOHNSON	59.580	62,958.48
11/12	768			18543 J.P. MORGAN CHASE & CO	38.530	25,540.20
11/12	448			22869 TECNA CHA CH	24.680	34,328.88
11/12	832			27195 MEDDEVADS CORP	55.370	24,822.76
11/12	3,040			31521 MERCK & CO	28.550	23,786.60
11/12	1,536			32847 MICROSOFT CORP	21.810	66,423.40
11/12	808			40173 TRACON CORPORATION	17.390	26,633.80
11/12	352			53151 PEPSICO INC	56.470	34,321.28
11/12	2,592			53653 APPLE INC	100.780	35,488.56
11/12	608			57477 PELTIER INC	16.940	44,011.48
11/12	1,152			57979 ABBOTT LABORATORIES	56.610	33,226.88
11/12	416			61803 PROCTER & GAMBLE CO	64.680	73,666.16
11/12	800			62305 AMGEN INC	59.160	24,626.56
11/12	1,920			66129 PHILLIP MORRIS INTERNATIONAL	43.600	34,912.00
11/12	640			66631 BANK OF AMERICA	21.590	41,528.80
11/12	2,080			76455 QUALCOMM INC	33.770	21,637.80
				70937 CITI GROUP INC	12.510	26,103.80

CONTINUED ON PAGE 2

DO NOT RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES



885 Third Avenue  
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 800 334-1343  
 Fax (212) 838-4061

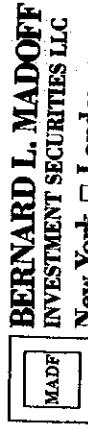
**BERNARD L. MADOFF**  
 INVESTMENT SECURITIES LLC  
 New York  London

MARILYN DAVIS & JACOB DAVIS  
 TTEES UTA BY MARILYN DAVIS

DTD 6/27/94  
 400 HIGH POINT DRIVE #4-403  
 HARTSDALE NY 10530

PERIOD ENDING	11/30/08
YOUR ACCOUNT NUMBER	1-ZA052-3-0
YOUR TAX PAYMENT IDENTIFICATION NUMBER	*****2266

DATE RECEIVED OR LONG	BOUGHT DELIVERED OR SHORT	TIME	DESCRIPTION	PRICE OR BASIS	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/19	100,000	26,719	53325 FIDELITY SPARTAN U.S. TREASURY MONEY MARKET 57838 U.S. TREASURY BILL DUE 03/26/2009	1 99.926	99,926.00	26,719.00
11/19	22,668	62361	FIDELITY SPARTAN U.S. TREASURY MONEY MARKET	1 22.668.00		
			NEW BALANCE		177,373.68	
			SECURITY POSITIERS	NET PRICE		
			AT&T INC	28.56		
			ABBOTT LABORATORIES	52.390		
			AMGEN INC	55.540		
			APPELLE INC	92.610		
			BANK OF AMERICA	16.250		
			CHEVRON CORP	79.010		
			CISCO SYSTEMS INC	16.540		
			CITI GROUP INC	8.230		
			CHEA COCA CO	46.870		
			COMCAST CORP	17.340		
			CL AL			
			COROCOPHILIPS	52.520		
			EXXON MOBIL CORP	80.150		
			GENERAL ELECTRIC CO	17.170		
			CONTINUED ON PAGE	4		



BERNARD L. MADOFF  
INVESTMENT SECURITIES LLC  
New York □ London

MARILYN DAVIS & JACOB DAVIS  
TIES UTA BY MARILYN DAVIS  
DTD 6/27/94  
400 HIGH POINT DRIVE #4-403  
HARTSDALE NY 10530

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

PAGE 4  
11/30/08  
1-ZAU52-3-0  
\*\*\*\*\*2266

DATE	BOUGHT RECEIVED OR ONG	SELL DELIVERED OR SHOT	TRA	DESCRIPTION	PRICE OR SYND	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	96			GOOGLE	292.960		
	960			HEWLETT PACKARD CO	35.280		
	2,208			INTEL CORP	13.888		
	544			INTERNATIONAL BUSINESS MACHS	82.600		
	1,440			J.P. MORGAN CHASE & CO	31.650		
	1,056			JOHNSON & JOHNSON	58.580		
	448			McDONALD'S CORP	58.750		
	832			MERCK & CO	26.720		
	3,040			MICROSOFT CORP	20.220		
	1,536			ORACLE CORPORATION	16.090		
	608			PEPSICO INC	36.768		
	2,592			PTT INC	16.430		
	800			PHILLIP MORRIS INTERNATIONAL	42.160		
	1,152			PRECTER & GAMBLE CO	64.350		
	660			QUILLION INC	33.570		
	488			SCHLOSSBERGER LTD	50.740		
	22,668			FIDELITY SPARTAN	1		
	672			U.S. TREASURY MONEY MARKET			
	384			U.S. BANCORP			
	1,000,000			UNITED PARCEL SVC INC			
	364			CLASS B			
				U.S. TREASURY 3111			
				DUE 03/26/2009			
				3/26/2009			
				UNITED TECHNOLOGIES CORP	48.530		
				CONTINUED ON PAGE	5		

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**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

MARILYN DAVIS & JACOB DAVIS  
VICTIMS UTA BY MARILYN DAVIS  
DTD 6/27/94  
400 HIGH POINT DRIVE  
HARTSDALE  
NY 10530

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Affiliated with  
securities International Limited  
12 Berkeley Street  
Mayfair, London W1 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London  
 MADF

JACOB DAVIS  
MARILYN DAVIS  
MARRIED  
UTAH  
MILITARY  
6/27/94  
4400 HIGH POINT DRIVE  
HARTISDALE  
NY 10530

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York  London

885 Third Avenue  
New York, NY 10022  
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800 334-1343  
Fax (212) 838-4061

MARILYN DAVIS & JACOB DAVIS  
TTEES UTA BY MARILYN DAVIS  
DID 6/27/94  
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HARTSDALE NY 10530

08-01789-cg Entered 08/02/10 17:43:10 Exhibit B

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1 8DT  
Tel 020 7493 6222

DATE	BOUGHT RECEIVED OR LONG	SELL DELIVERED OR SHORT	TIN	DESCRIPTION	PRICE ON TRADE	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12				BALANCE FORWARD			
11/12	32	44499		S & P 100 INDEX NOVEMBER 460 CALL	15.80		50,528.00
11/12	32	48825		S & P 100 INDEX NOVEMBER 450 PUT	17.800	56,992.00	
11/15	32	34929		S & P 100 INDEX DECEMBER 430 CALL	26		83,168.00
11/19	32	39254		S & P 100 INDEX DECEMBER 420 PUT	30	96,032.00	
11/19	32	43579		S & P 100 INDEX NOVEMBER 460 CALL	3		9,632.00
11/19	32	47904		S & P 100 INDEX NOVEMBER 450 PUT	37		118,368.00
				NEW BALANCE			177,374.00
				SECURITY POSITIONS	MKT PRICE		
				S & P 100 INDEX	23.300		
		32		DECEMBER 430 CALL			
				S & P 100 INDEX	16.500		
		32		DECEMBER 420 PUT			
				MARKET VALUE OF SECURITIES			
				LONG	SHORT		
				52,800.00	74,560.00		

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES